

# **EXHIBIT 13**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MARY ROZELL,

Plaintiff, Case No.  
05 CV 2936

-against-

COURTNEY ROSS-HOLST, an individual, ANDCO,  
LLC, a corporation, and NEIL PIROZZI, an  
individual,

Defendants.

-----X

July 13, 2006  
10:00 a.m.

Deposition of DARIUS C. NARIZZANO,  
taken by Plaintiff, pursuant to notice, at the  
offices of Outten & Golden, LLP, 3 Park Avenue,  
New York, New York 10016, before ANITA SHEMIN, a  
Shorthand Reporter and Notary Public within and  
for the State of New York.

Job No. 9818

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S:

OUTTEN & GOLDEN

Attorneys for Plaintiff

3 Park Avenue

New York, New York 10016

BY: KATHLEEN PERATIS, ESQ.

LITTLER MENDELSON, P.C.

Attorneys for Defendants

885 Third Avenue

16th Floor

New York, New York 10002

BY: ELENA PARASKEVAS-THADANI, ESQ.

1 Narizzano

15:55:57 2 A By who?

15:55:57 3 Q By anybody?

15:55:59 4 A Not until way later when comparison

15:56:05 5 costs to recent purchases had been made, I think

15:56:09 6 by people who were not even on staff when

15:56:13 7 purchases happened, and they questioned and said

15:56:16 8 why did we spend that much money on this chair.

15:56:18 9 That was the amount of the criticism. Mrs. Ross

15:56:21 10 never said a thing because they knew that she told

15:56:23 11 me buy it no matter, wherever it goes.

15:56:26 12 Q What did you pay for it?

15:56:28 13 A I don't recall. I bought so many things

15:56:33 14 at auction.

15:56:34 15 Q Do you remember what this chair was that

15:56:36 16 was 20 times market price?

15:56:37 17 A No.

15:56:43 18 Q Did you send a rare and fragile Kachina

15:56:49 19 doll by Federal Express from East Hampton to New

15:57:02 20 York?

15:57:02 21 A I may have.

15:57:04 22 Q Did anybody criticize you for sending it

15:57:06 23 in that method?

15:57:07 24 A Yes.

15:57:07 25 Q Who?

1 Narizzano

15:57:08 2 A I don't remember, but somebody in the  
15:57:09 3 Art Department did.

15:57:12 4 Q Do you recall whether Mary Rozell said  
15:57:14 5 that is not the way to send a piece of art?

15:57:16 6 A I am sure she would have said that.

15:57:19 7 Q But you sent it by Federal Express  
15:57:22 8 anyway?

15:57:23 9 MS. THADANI: Objection.

15:57:24 10 A I don't recall if she ever said anything  
15:57:25 11 to me before I sent it, but I have sent, you know,  
15:57:28 12 many things by Federal Express all over the world,  
15:57:33 13 artwork and other precious things.

15:57:36 14 Q Did you have any discussions with  
15:57:38 15 Miss Ross about having sent this Kachina doll by  
15:57:45 16 FedEx?

15:57:45 17 A No.

15:57:52 18 Q Miss Leah Ross testified that you asked  
15:57:54 19 Tasha to prepare invoices lower than actual values  
15:57:57 20 for various materials; is that true?

15:58:08 21 A I asked her to prepare a list of wine  
15:58:12 22 one time to Tasha.

15:58:14 23 Q What did you tell her to do with that  
15:58:18 24 list of wine?

15:58:18 25 A I asked her to list the wines that I was

1 Narizzano

15:58:20 2 going to bring to Jamaica and to put prices

15:58:24 3 besides them on that list.

15:58:25 4 Q The prices were not the correct prices;

15:58:28 5 correct?

15:58:29 6 MS. THADANI: Objection.

15:58:31 7 MS. PERATIS: Unless you have a

15:58:32 8 complaint about form, please don't say

15:58:34 9 objection, because it just indicates to the

15:58:37 10 witness that he should be careful about his

15:58:39 11 answer. If you have a form objection, by all

15:58:41 12 means, make it, but don't make it just

15:58:45 13 because you don't like the material of the

15:58:46 14 question.

15:58:47 15 A I am totally comfortable with this

15:58:49 16 question.

15:58:49 17 Q Go ahead.

15:58:51 18 MS. PERATIS: Would you read the

15:58:51 19 question, please.

15:58:52 20 (Requested portion read back)

15:59:08 21 A That is not correct.

15:59:09 22 Q Let me read you Leah Ross's testimony

15:59:11 23 from her deposition on June 7th, Page 343:

15:59:20 24 "QUESTION: Have you ever been asked to

15:59:21 25 prepare invoices related to the import

1 Narizzano

15:59:28 2 or export of art for Andco?

15:59:30 3 "ANSWER: Tasha once asked me to do  
15:59:32 4 that, yes.

15:59:33 5 "QUESTION: What did she ask you to do?

15:59:36 6 "ANSWER: She was concerned about a  
15:59:38 7 request she received to make custom  
15:59:41 8 reports and asked that I do it.

15:59:43 9 "QUESTION: Who asked her to create  
15:59:46 10 custom reports?

15:59:47 11 "ANSWER: I think it was Darius.

15:59:49 12 "QUESTION: Do you know what about his  
15:59:51 13 request concerned Tasha?

15:59:54 14 "ANSWER: Tasha was concerned that the  
15:59:56 15 values he had requested put on the  
15:59:58 16 objects were lower than their indeed  
16:00:01 17 value."

16:00:04 18 Did Leah Ross testify accurately?

16:00:09 19 A Yes and no. Should I explain?

16:00:13 20 Q Yes, please.

16:00:14 21 A Okay.

16:00:16 22 Mrs. Ross has a wine collection which  
16:00:19 23 she inherited and has grown from her late husband,  
16:00:24 24 Stephen J. Ross. It is an extensive collection  
16:00:27 25 that is located in many different places in the

1 Narizzano

16:00:30 2 world, in England, in Italy, in the United States  
16:00:36 3 of America and in Sweden at one point.

16:00:40 4 These things have been purchased over 30  
16:00:43 5 years as collectable wines. She has a house in  
16:00:48 6 Jamaica. One of the things that I needed to do  
16:00:51 7 was to bring wine with us to Jamaica from her wine  
16:00:56 8 collection. The first time I went to Jamaica with  
16:01:02 9 wine, they asked me for an invoice for the wine.  
16:01:03 10 I explained to them this wine has been purchased  
16:01:08 11 over a period of time, it is not like I just went  
16:01:10 12 to the liquor store, and I could give a receipt.  
16:01:12 13 They said, "What did you pay for it when you did  
16:01:15 14 buy it?" I said, "I have no idea what I paid for  
16:01:22 15 it exactly because I don't know when it was  
16:01:24 16 bought, and that wine was bought, but it is her  
16:01:27 17 own personal wine that she is going to drink  
16:01:30 18 herself."

16:01:31 19 They said, "What do you think it cost?"  
16:01:33 20 So, I made the mistake of saying, "Well, if you  
16:01:35 21 went to a liquor store, and you bought it today,  
16:01:39 22 this would cost \$150, this one maybe \$250 for a  
16:01:49 23 bottle.

16:01:51 24 After I described several cases of wine  
16:01:53 25 and had a large number of what we would have



1

Narizzano

16:01:56 2 bought it at that price, they informed me that I  
16:01:59 3 had to pay 110 percent duty on that wine. So, I  
16:02:03 4 was stuck like three hours until I came up with a  
16:02:07 5 huge amount of cash. They suggested to me the  
16:02:10 6 next time I come, I come prepared with a list of  
16:02:13 7 the wines with the prices for the wine.

16:02:15 8 So, were these incorrect prices that I  
16:02:17 9 put down on the wines? They were more expensive  
16:02:19 10 than any wine I have seen in Jamaica that I still  
16:02:23 11 put on the wine. Were they the amounts that  
16:02:25 12 Mrs. Ross or Steve Ross had paid for the wine when  
16:02:28 13 they brought them, maybe not. Maybe they were  
16:02:31 14 more, maybe they were less. Did I pay 110 percent  
16:02:36 15 interest on the amount that I said that the wine  
16:02:39 16 was? Yes. Did we resell any of it? No. Which  
16:02:44 17 is what they are concerned about, resale. It was  
16:02:47 18 for her personal consumption.

16:02:53 19 Q Leah Ross's testimony that I have read  
16:02:55 20 you a part of relates to art. Let me read you  
16:03:03 21 from Page 244:

16:03:06 22 "QUESTION: Were you ever asked by  
16:03:06 23 Darius to prepare custom reports or  
16:03:09 24 invoices related to artwork?

16:03:10 25 "ANSWER: I don't think so. I think it

1 Narizzano

16:03:11 2 was a request from Tasha.

16:03:13 3 "QUESTION: Is it your testimony that  
16:03:15 4 this happened on one occasion?

16:03:16 5 "ANSWER: There is one occasion I can  
16:03:17 6 remember we both didn't want to do it,  
16:03:20 7 and I'm not sure what ended up  
16:03:22 8 happening.

16:03:23 9 "QUESTION: Did you ever talk about this  
16:03:24 10 request to Mary Rozell?

16:03:26 11 "ANSWER: It seems likely. I don't  
16:03:28 12 remember.

16:03:29 13 "QUESTION: Did she support your feeling  
16:03:31 14 that it was improper to create such  
16:03:34 15 reports?

16:03:34 16 "ANSWER: I believe so.

16:03:36 17 "QUESTION: Were these reports relating  
16:03:37 18 to the export of art to the Jamaica  
16:03:40 19 house?

16:03:41 20 "ANSWER: Yes."

16:03:43 21 A I don't recall ever having to make any  
16:03:46 22 invoice for art going to Jamaica.

16:03:48 23 Q All right.

16:03:57 24 Mr. Pirozzi testified that Miss Rozell  
16:04:00 25 or Miss Seren told him that you had asked them to

1 Narizzano

16:32:37 2 was in California that I received a phone call of  
16:32:40 3 worry from Leah with a description of what really  
16:32:42 4 sounds like what you just said.

16:32:44 5 Q So, at some time after Mary was fired  
16:32:47 6 and before Tasha left Andco's employment, you  
16:32:51 7 learned from Leah that Leah was concerned that  
16:32:54 8 Tasha was taking documents?

16:32:55 9 A Yes.

16:32:58 10 Q Is it also true that Leah told you that  
16:33:02 11 she overheard Tasha say that Mary was looking for  
16:33:06 12 legal counsel?

16:33:07 13 A I don't recall.

16:33:12 14 Q Did Leah tell you directly that she  
16:33:15 15 thought that Tasha was taking documents?

16:33:18 16 A Yes.

16:33:20 17 Q Did anybody else tell you that Leah  
16:33:23 18 thought Tasha was taking documents?

16:33:25 19 A Did anyone else tell me that Leah  
16:33:29 20 thought?

16:33:29 21 Q Yes.

16:33:30 22 A Probably Christy MacCaulay.

16:33:34 23 Q Okay.

16:33:36 24 Did you take steps on that? Let me give  
16:33:42 25 a little time orientation.

1 Narizzano

16:33:43 2 A Could I go to the bathroom before you  
16:33:46 3 get deep into this?

16:33:47 4 Q Of course.

16:33:48 5 (Brief Recess)

16:37:20 6 BY MS. PERATIS:

16:37:30 7 Q Do you have any reason to believe,  
16:37:33 8 Mr. Narizzano, that Miss Rozell has ever violated  
16:37:36 9 her confidentiality agreement?

16:37:43 10 A Yes.

16:37:43 11 Q What?

16:37:48 12 A I believe that she has taken documents  
16:37:50 13 that had to do with her employment out of the  
16:37:54 14 workplace.

16:37:54 15 Q What documents?

16:37:56 16 A I don't know particularly. I -- from  
16:38:00 17 the conversation which I had saw in those e-mails  
16:38:07 18 back then, it seemed to me that she was conspiring  
16:38:12 19 to take things out specifically to harm Mrs. Ross.

16:38:16 20 Q So, do you know whether she ever  
16:38:18 21 actually took anything out?

16:38:21 22 A No.

16:38:22 23 Q Okay.

16:38:23 24 So, other than your surmise that you  
16:38:28 25 thought that she might have been trying to take

1 Narizzano

16:38:30 2 things out and your testimony just now that you  
16:38:33 3 have no reason to believe that she actually took  
16:38:35 4 things out, I ask you again, do you have any  
16:38:40 5 reason to believe that she has violated the  
16:38:41 6 confidentiality agreement?

16:38:42 7 A Yes.

16:38:43 8 Q What?

16:38:45 9 A Yes.

16:38:45 10 Q Other than what you said?

16:38:47 11 A The CD, also, that she tried to take  
16:38:49 12 out, which was another indication of trying to  
16:38:52 13 take things of Mrs. Ross out of the workplace.  
16:38:54 14 And then there was -- there is also the fact that  
16:38:56 15 I can't remember exactly when I heard this, but  
16:38:59 16 that she was planning to write a book about  
16:39:01 17 Mrs. Ross and her life. That is completely out of  
16:39:07 18 line of confidentiality.

16:39:09 19 Q Okay.

16:39:10 20 So, if Miss Rozell was not planning on  
16:39:14 21 writing a book about Miss Ross, would you agree  
16:39:18 22 with me that there is no evidence of violating her  
16:39:21 23 confidentiality agreement?

16:39:27 24 A If she was not writing a book about  
16:39:29 25 Mrs. Ross, what would be --